

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York



Flex Marketing Group LLC

Plaintiff

v.

Joshua Lapin

Defendant

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Civil Action No. 1:22-cv-06179-AT

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Moniker Online Services LLC C/O Corporation Trust Company
1209 ORANGE ST, WILMINGTON, DE 19801

(Name of person to whom this subpoena is directed)



Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Please See Attached Document For Information and Records To Provide

Place:

Please email documents to Defendant at
thehebrewhammerjosh@gmail.com

Date and Time: 15 days after service of this subpoena



Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Joshua Lapin

Pro-Se Defendant, who issues or requests this subpoena, are:
Joshua Lapin, thehebrewhammerjosh@gmail.com 401 E 8th St STE 214 PMB 7452, Sioux Falls SD 57103. Cell: (714) 654-8886 Facsimile: (605) 305-3464

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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Civil Action No. 1:22-cv-06179-AT

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Joshua Lapin
thehebrewhammerjosh@gmail.com
Cell: (714) 654-8886
Facsimile: (605) 305-3464
401 E 8th St
STE 214 PMB 7452
Sioux Falls SD 57103

Moniker Online Services LLC,

This is Joshua Lapin, pro se Defendant in Flex Marketing Group V Lapin 1:22-cv-06179-AT. This subpoena related to Defendant's preservation letter to you on 4/21/22. I am informed and believe and allege that your client(s) is abusing your domain registrar to register dozens (hundreds?) of domains to be used in connection with unlawful unsolicited commercial emails, which were sent "far-and-wide", through servers around the United States, including to recipients such as Defendant. They also allegedly use such domains as "redirect domains", connecting the email-recipient from the moment they click on the main call-to-action to the moment they eventually land on their client-advertisers' true landing page. I serve upon you this subpoena to obtain the necessary information surrounding the alleged, tortious behavior, such that Defendant is best-able to state a claim against Plaintiff's.

Moniker Online Services LLC Subpoena Instructions

First, let us establish who your "client(s)" is for the purposes of this subpoena. Your "client(s)" is the person and entity who owns, and who is the true 'registrant', 'registrant name', and 'registrant organization' of a particular domain name, regardless of the accuracy or lack thereof for those fields in the publicly available WHOIS data.

Domain names include:

BuzzBarrelReview.com
dzlosurveyys.com
emails-jobsdelivered.com
Entirelybelieve.com
JobsDeliver.com
expectcarecare.com
JobSharkNL.com
NationalShopperSurvey.com
NationalSurveysOnline.com
buzzbarrelnews.com.

INFORMATION AND DOCUMENTS SUBPOENAED:

- 1) Please identify the real names, identity, and full contact information of your client(s) who are the true registrant of these domains, including billing addresses. To the extent that this information has somehow changed between July 2021 – Present, document and note the changes, and the associated date and time of the change.
- 2) To the extent a Google Account, or other external account is associated with the Moniker account(s) through which your client(s) own these domains, please list the Google Account (username and/or example@gmail.com), or other external account, in connection therewith.
- 3) To the extent Moniker has digital evidence of the date and time of its client(s) acceptance of the privacy policy, registration agreement, rights&responsibilities, Anti Abuse Policy, TLD Policies, and Hosting Agreement, and any other terms which Moniker's domain registrant and hosting client(s) must agree to in order to use its services, please provide such records. Please also include which version of those agreements were agreed to by each client. (e.g. the Registration Agreement of March 2015, or an earlier/later version thereof)
- 4) Please provide the WHOIS Data as it was held out to the public at ALL times between June 2021 – Present. Defendant is informed and believes that this WHOIS data has changed quite a few times during that timeframe. Please document the date/time of any adjustments and changes to the WHOIS data, regardless how small a given change may seem.
- 5) Please provide any/all EMAIL-SPAM-related complaints received by Moniker pertaining to these domains names at any time in which a given domain was owned by any person who owned the domain at any point between July 2021-Present. To clarify, if any person who owned this domain at any time between July 2021-Present also owned the same domain as early as 2012-2013 or earlier, please provide such spam-email-related complaints.
- 6) The date/time the client(s) Moniker account(s) were opened. List the total number of Moniker account(s) involved, regardless if only one account or 10 separate accounts, or anywhere inbetween.
- 7) Please provide receipts of the client(s) purchase of their Moniker account(s).
- 8) Please provide any/all notices Moniker communicated to these client(s) regarding their use of the services in connection with SPAM, in response to Defendant's initial correspondence of 4/21/22, or in response to any other spam-recipients' complaint related to the client(s) (ab)use of the domains.

- 9) Please provide any/all communication FROM this client and/or their attorneys or anyone in connection therewith in which they asked/demanded Moniker to delete/modify/remove any of the information Defendant is seeking. Please provide this communication to the extent it exists.
- 10) Please list any/all domain names owned by the same client(s) who owned the 10 domain names listed on page 1, to the extent the domain registrar is/was Moniker.
- 11) The following domain names currently-or-formerly has the same, overwhelmingly materially similar WHOIS data to the WHOIS data that the 10 domain names listed on page 1 currently-or-formerly had. Please provide the same information as demanded in paragraphs 1-10 for the following domains, but only to the extent that the following domains are/were owned by the same client(s) as the domains on page 1. Even if some domains are no longer with the moniker registrar, please provide information relating to the timeframe in which Moniker was the registrar, and the true domain owner was the same. If I am incorrect...and these domains are&were truly owned by a different person and entity entirely to the 10 domains on the first page, you are not obligated to provide me a truly-unrelated party's information.

Those with a 'registrant organization' of Bear Claw Marketing:

j-delivered-today.com
jobsdeliverednewstoday.com
job-delivered-now.com
thedailytroupe.com
higherreviews-education.com

Those with a 'registrant organization' of Consumer Concierge:

all-jobs-delivered.com
b-barrel.com
bbarrel.com
bigbuzzbarrel.com
biz-buzz-barrel.com
bizbuzzbarrel.com
buzz-mailer.com
buzzbarrel-mailer.com
buzzbarrel-select.com
buzzbarrell.com
buzzbarrelz.com
d-lz-offers.com
dailybuzzbarrel.com
digsurveymail.com

dlzfirstoffer.com
dlzoffersz.com
dlzofferz.com
dlztopoffers.com
education-news-delivered.com
expectcarecare.com
flexmgnews.com
heddirectories.com
highered-reviews.com
highered-reviewsites.com
higheredreviews-sites.com
higheredschoolreviewsboard.com
highereducation-reviewsite.com
highereducation-sites.com
home-search-mail.com
info-job-shark.com
j-delivered-today.com
j-delivered.com
jd-newsupdate.com
job-delivered-now.com
job-news-delivered.com
job-shark-contact.com
job-shark-updates.com
jobbackshark.com
jobdatashark.com
jobnewsdelivered.com
jobs-delivered-daily.com
jobs-delivered-updates.com
jobs-tips-delivered.com
jobsdailydelivered.com
jobsdeliveredtodayonline.com
jobshark-delivered.com
jobshark-select.com
jobsharke.com
js-newsletter.com
la-procrastinauts-online.com
laprocrastinautsonline.com
le-procrastinauts-online.com
mail-buzz-barrel.com
mail-job-shark.com
my-buzz-barrel.com
mybuzz-barrel.com
mybuzzbarrel.com
myjdemail.com

myjsemail.com
myprocrastinautsapp.com
myprocrastinautsteam.com
national-product-tester.com
nationalproducttesterr.com
news-job-shark.com
news-jobs-delivered.com
nproducttester.com
procrastinauts-news-delivered.com
procrastinauts-trivia-info.com
sales-jobs-delivered.com
salesjobsdelivered.com
the-buzz-barrel.com
thebuzzbarrel.com
theprocrastinautslst.com
theprocrastinautsteam.com
trivia-pro-mail.com

Those with a 'registrant organization' of DLZ Offers other than those already listed:

surveymailed2you.com

Those with a 'registrant organization' of Lincoln Log Networks, LLC:

abovehealthinsured.com
aboveupdates.com
achievementedu.com
advanceautoforum.com
anycareerforum.com
areajobcommunity.com
autoinsuranceadd.com
availabledegree.com
availableschool.com
careerfollowing.com
changeautocare.com
commonupdates.com
completelyyourfuture.com
continuededu.com
continuehealthcare.com
continueinsight.com
declaredthefuture.com
declareedu.com
declareeducation.com
declarenewdegree.com

degreefields.com
detailautoforum.com
determinetolearn.com
developedreport.com
discoveredauto.com
djsopjsdos.com
educommittee.com
enteredjobforum.com
estimatedcarcare.com
excitetrend.com
expectcarinsurance.com
exploreyouredu.com
factsautoforum.com
flexmg.com
followingthefuture.com
followreport.com
fullbelieve.com
givenreport.com
greateraffordableauto.com
greaterreport.com
improvelifeinsurance.com
includejobs.com
interestednews.com
lendautoinsurance.com
longerlifeinsurance.com
manynewjobs.com
markedcareer.com
membershealthforum.com
movementrelease.com
movingphones.com
needwellness.com
nextjobspace.com
obtainedautocoverage.com
offeredlifeinsurance.com
officialeduforum.com
openingreports.com
openjobforum.com
particularedu.com
perfectfacts.com
popularjobcommunity.com
possibleedu.com
powerfulbelieve.com
promisefuture.com
proposeinsight.com

provedthefuture.com
provedyourfuture.com
providedcarcoverage.com
provideschool.com
qualityautoinsured.com
qualityupdates.com
quicknewvehicle.com
readyaffordableedu.com
readynewjob.com
reallybelieve.com
receivedpress.com
relatedupdates.com
seekaffordablecar.com
selectedhealthcare.com
shareautocare.com
simplefindcars.com
simplyautocoverage.com
startededucation.com
startedhealthcare.com
startingeducation.com
startingnews.com
studiededucation.com
takenautoinsurance.com
thecarsinsured.com
thefuturecalls.com
thefuturefollows.com
thefutureknown.com
updatechanges.com
updatewonder.com
useinsight.com
variousmobile.com
wantedhealthcare.com
weekrelease.com
welcomeedu.com
yearhealthcare.com
yourfutureknown.com
yourfutureresults.com

'those with a registrant email / registrant name of michael@flexmq.com / Michael Held'
hopbillboard.com

To the extent any of these documents cannot be emailed, please reach out to Defendant at thehebrewhammerjosh@gmail.com to arrange for other delivery, such as Google Drive, Dropbox, facsimile, etc.

Pro Se Defendant,
Joshua Lapin

DocuSigned by:

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8/24/2022